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John S. Hendricks

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BANNER & WITCOFF, LTD

ATTORNEYS FOR CLIENT NUMBER 007412

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/966,757	Applicant(s) HENDRICKS, JOHN S.	
	Examiner JAMES SHELEHEDA	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-16,18-20 and 22-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-16,18-20 and 22-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 23, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker et al. (Banker) (5,477,262) (of record) in view of Kassatly (4,975,771) (of record) and Saeger et al. (Saeger) (5,467,144) (provided by applicant).

As to claim 22, while Banker discloses a set top terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

a microprocessor (310) for executing program instructions (column 11, lines 31-36);

a graphic memory (NVM, 314; column 12, lines 1-5);

a graphic generator (on screen control circuit, 306) configured to generate graphics from the graphic memory for display on a television (column 12, lines 1-5 and lines 27-61); and

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface for choosing an option from displayed graphics on the television (column 21, lines 34-43) and for effecting a memory location from which graphical information is generated by the graphics generator (column 21, lines 34-43 and column 12, lines 1-5 and lines 27-61),

wherein the terminal is configured to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a plurality of interactive menus (interactive menus for such features as sleep mode, messages, pay-per-view, VCR timing and STB control; Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27), each corresponding to a level of interactivity and having one or more interactive menu items for selection (Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27);

a main menu having one or more main menu items for selection (top menu; Fig. 7A), which main menu items correspond to the interactive menus (corresponding to the submenus; Fig. 7 and 7A; column 21, lines 34-45), wherein the menus are navigated using a control input (column 21, lines 34-43), and wherein the main menu items and the interactive menu items are responsive to selection signals received from the control interface (column 21, lines 34-43), he fails to specifically disclose

he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Kassatly discloses a video distribution system wherein a plurality of digitally compressed video programs (or clips) are transmitted on a single channel (Fig. 1; column 2, lines 30-45 and column 3, line 54-column 4, line 30) for the typical benefit of providing a larger number of channels in a limited bandwidth television system (column 3, line 65-column 4, line 8).

Additionally, in an analogous art, Saeger discloses a television system wherein a plurality of video signals are displayed utilizing a split screen technique (see Figs. 1f-1i, column 5, line 29-column 6, line 35) for the typical benefit of allowing a viewer to easily browse and view a plurality of programs simultaneously on the same screen (see Figs. 1f-1i, column 5, line 29-column 6, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the video comprises a plurality of video clips are transmitted simultaneously on a single channel, as taught by Kassatly, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Kassatly's system to include split screen video techniques, as taught by Saeger, for the typical benefit of allowing a viewer to easily browse and view a plurality of programs simultaneously on the same screen.

As to claim 23, Banker, Kassatly and Saeger disclose wherein the program control information comprises graphical data (column 2, lines 50-60).

As to claim 33, Banker, Kassatly and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes repositioning the one video clip from one of the different portions of the split screen to a position in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

As to claim 34, Banker, Kassatly and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes scaling a size of the one video clip in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

4. Claims 8-16, 18-20, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson (5,539,871) (of record), Kassatly and Saeger.

As to claim 8, Banker discloses a set top terminal (Fig. 3, 300; column 10, lines 61-63) comprising:

- a microprocessor (310) for executing program instructions (column 11, lines 31-36);
- a graphic memory (NVM, 314; column 12, lines 1-5);

a graphic generator (on screen control circuit, 306) configured to generate graphics from the graphic memory for display on a television (column 12, lines 1-5 and lines 27-61); and

a tuner configured to receive a video channel including video (column 11, lines 32-60);

a control interface for choosing an option from displayed graphics on the television (column 21, lines 34-43) and for effecting the memory location from which graphical information is generated by the graphics generator (column 21, lines 34-43 and column 12, lines 1-5 and lines 27-61),

wherein the terminal is configured to generate an interactive electronic program guide (column 11, lines 21-31) comprising:

a menu that is displayed with one video (column 12, line 62-column 13, line 13);

having an overlay menu that is displayed during the one of the programs (Figs. 7 and 7A; column 12, line 62-column 13, line 13 and column 21, lines 34-43), the overlay menu including interactive features (Fig. 7A), wherein the overlay menu is displayed in response to a signal received from a user input (Figs. 3 and 4; column 16, lines 19-42 and column 19, lines 59-65).

While Banker discloses an overlay menu that is displayed in response to a signal received from the user input (column 19, line 59-column 20, line 5), he fails to specifically disclose wherein the terminal is configured to sense one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo

indicates to a user that the interactive features are available and wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen and a menu that is displayed with one video clip of the multiple video clips.

In an analogous art, Gibson discloses a system wherein an interactive menu system for display on a television in conjunction with television programming (column 2, lines 10-27), wherein

a logo that is displayed on a display during a program having one or more interactive features (column 3, line 65-column 4, line 35 and column 6, lines 1-24), when interactive content is detected within the program (see Fig. 3; column 5, lines 43-67);

a overlay menu that is displayed during the program (displayed list of choices; column 6, lines 51-56), the overlay menu including the interactive features (column 6, lines 53-62),

wherein the logo indicates to a user that the interactive features are available for the program (column 4, lines 7-35 and column 6, lines 1-24), and wherein the overlay menu is displayed in response to a signal received from a user input (column 6, line 38-56) for the typical benefit of allowing a user to elect to access additional information associated with a multimedia presentation (column 1, lines 39-63).

In an analogous art, Kassatly discloses a video distribution system wherein a plurality of digitally compressed video programs (or clips) are transmitted on a single channel (Fig. 1; column 2, lines 30-45 and column 3, line 54-column 4, line 30) for the

typical benefit of providing a larger number of channels in a limited bandwidth television system (column 3, line 65-column 4, line 8).

Additionally, in an analogous art, Saeger discloses a television system wherein a plurality of video signals are displayed utilizing a split screen technique (see Figs. 1f-1i, column 5, line 29-column 6, line 35) for the typical benefit of allowing a viewer to easily browse and view a plurality of programs simultaneously on the same screen (see Figs. 1f-1i, column 5, line 29-column 6, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the terminal senses one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available for the program, as taught in combination with Gibson, for the typical benefit of providing a user with a means to easily identify and access additional information related to a displayed video presentation.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Gibson's system to include wherein the video comprises a plurality of video clips are transmitted simultaneously on a single channel, as taught by Kassatly, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Kassatly's system to

include split screen video techniques, as taught by Saeger, for the typical benefit of allowing a viewer to easily browse and view a plurality of programs simultaneously on the same screen.

As to claim 9, Banker, Gibson, Kassatly and Saeger disclose wherein the overlay menu includes menu options for a plurality of interactive features (see Banker at Figs. 7 and 7A and Gibson at column 5, lines 38-54 and column 6, lines 52-56).

As to claim 10, Banker, Gibson, Kassatly and Saeger disclose wherein the overlay menu further includes a menu option to return to the program without the interactive features (see Banker at Fig. 7A and Gibson at column 6, lines 57-60 and Fig. 6, steps 610, 612 and 616).

As to claim 11, Banker, Gibson, Kassatly and Saeger disclose a cursor that indicates one of the menu options (see Banker at column 21, lines 34-43 and Gibson at column 6, lines 51-56, column 4, lines 27-35 and column 3, lines 36-39), wherein the cursor is controlled by the control interface (see Banker at column 21, lines 34-43 and Gibson at column 4, lines 27-35 and column 3, lines 36-39).

As to claim 12, Banker, Gibson, Kassatly and Saeger disclose wherein the interactive features include facts related to the program (see Gibson at column 4, line 65-column 5, line 5).

As to claim 13, Banker, Gibson, Kassatly and Saeger disclose wherein the guide further comprises a plurality of interactive submenus for use with the interactive features (see Banker at Figs. 7 and 7A and column 21, lines 34-43), wherein the submenus are displayed in response to a selection of the menu options (see Banker at column 21, lines 34-43), the selection being received as at least one of the selection signals from the control interface (see Banker at column 21, lines 34-43).

As to claim 14, while Banker, Gibson, Kassatly and Saeger discloses displaying a plurality of submenus (see Banker at Fig. 7A), they fail to specifically disclose wherein the submenus are displayed in a video window in a scaled down program video format.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall display to allow both to be fully displayed to the user at the same time, for the typical benefit of allowing a viewer to continue fully viewing a television program while navigating a menu and not miss any of the displayed video program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Kassatly and Saeger's system to include wherein the submenus are displayed in a video window in a scaled down program video format for the typical benefit of allowing a viewer to continue viewing a

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television program while navigating a menu and not miss any of the displayed video program.

As to claim 15, Banker, Gibson, Kassatly and Saeger disclose wherein the program and one or more of the submenus are displayed on the television at the same time (see Banker at column 12, line 63-column 13, line 13).

As to claim 16, Banker, Gibson, Kassatly and Saeger disclose wherein the logo is displayed as an overlay menu (overlaid button to select; see Gibson at column 4, lines 7-36).

As to claim 18, Banker, Gibson, Kassatly and Saeger disclose wherein the overlay menu includes the logo (column 3, line 65-column 4, line 35 and column 6, lines 1-24).

As to claim 19, while Banker, Gibson, Kassatly and Saeger disclose wherein the overlay menu is generated by the set top terminal (see Banker at column 12, lines 42-61), they fail to specifically disclose using data received during a vertical blanking interval.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize data from a vertical blanking interval, as receiving data during a vertical blanking interval at a set top terminal allows a cable

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headend or other programming provider to download additional data and information to a user's system, such as interactive information or data updates, for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Kassatly and Saeger's system to include using data received during a vertical blanking interval for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

As to claim 20, Banker, Gibson, Kassatly and Saeger disclose wherein the logo is displayed in a corner of the screen of the television periodically for a specified duration (Fig. 3B, Fig. 4, step 408; column 5, lines 6-20).

As to claim 29, Banker, Gibson, Kassatly and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes repositioning the one video clip from one of the different portions of the split screen to a position in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

As to claim 30, Banker, Gibson, Kassatly and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes scaling a size of

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the one video clip in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

5. Claims 1-6, 24-26, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (5,410,326) (of record) in view of Kassatly and Saeger.

As to claim 1, while Goldstein discloses a set top terminal (column 16, lines 38-45) comprising:

- a microprocessor for executing program instructions (Fig. 14; microprocessor unit, 137; column 16, lines 38-45);

- a graphic memory (column 33, lines 18-23 and lines 58-62);

- a tuner configured to receive a video channel with video (Fig. 14; column 16, lines 38-61);

- a graphic generator to configured generate graphics from the graphic memory (column 17, lines 16-19 and column 34, lines 20-28); and

- a control interface for choosing an option from displayed graphics (column 34, lines 20-28) and for effecting the memory location from which graphical information is generated by the graphics generator (column 34, lines 20-37);

- wherein the terminal is configured to generate an electronic program guide (column 17, lines 16-19) having a series of menus comprising:

- a home menu (master menu; column 34, lines 1-9);

- a plurality of major menus displayed as menu options on the home menu (column 34, lines 6-19);

a plurality of sub-menus displayed as menu options on the plurality of major menus (column 34, line 67-column 35, line 59); and

a plurality of during programming menus enacted after selection of a program (additional information icons displayed during a program; column 14, lines 3-20),

wherein the terminal is configured to display one video in the electronic program guide (column 17, lines 1-22), he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Kassatly discloses a video distribution system wherein a plurality of digitally compressed video programs (or clips) are transmitted on a single channel (Fig. 1; column 2, lines 30-45 and column 3, line 54-column 4, line 30) for the typical benefit of providing a larger number of channels in a limited bandwidth television system (column 3, line 65-column 4, line 8).

Additionally, in an analogous art, Saeger discloses a television system wherein a plurality of video signals are displayed utilizing a split screen technique (see Figs. 1f-1i, column 5, line 29-column 6, line 35) for the typical benefit of allowing a viewer to easily browse and view a plurality of programs simultaneously on the same screen (see Figs. 1f-1i, column 5, line 29-column 6, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the video comprises a plurality of video clips are transmitted simultaneously on a single channel,

as taught by Kassatly, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein and Kassatly's system to include split screen video techniques, as taught by Saeger, for the typical benefit of allowing a viewer to easily browse and view a plurality of programs simultaneously on the same screen.

As to claim 2, Goldstein, Kassatly and Saeger disclose an introductory menu that is displayed upon beginning use of the guide (local menu to perform initialization; see Goldstein at column 33, lines 11-34).

As to claim 3, Goldstein, Kassatly and Saeger disclose wherein the guide is controlled by a set top terminal (television receiver; see Goldstein at column 33, lines 11-33), and wherein the introductory menu automatically appears on the television screen when the set top terminal is turned on (see Goldstein at column 3, lines 11-16).

As to claim 4, Goldstein, Kassatly and Saeger disclose wherein the introductory menu displays information or messages from an operations center (see Goldstein at column 33, lines 11-68).

As to claim 5, Goldstein, Kassatly and Saeger disclose wherein the information or messages are directed to a particular subscriber (see Goldstein at column 20, lines 54-63).

As to claim 6, Goldstein, Kassatly and Saeger disclose wherein the information or messages are directed to a group of subscribers (see Goldstein at column 20, lines 54-63).

As to claim 24, while Goldstein discloses a method comprising:
receiving a video channel and program control information from an operations center (see Goldstein at column 33, lines 11-68, column 35, lines 47-59).

displaying, based on the program control information, an electronic program guide (column 17, lines 16-19) having a series of menus comprising:

a home menu (master menu; column 34, lines 1-9);
a plurality of major menus displayed as menu options on the home menu (column 34, lines 6-19);

a plurality of sub-menus displayed as menu options on the plurality of major menus (column 34, line 67-column 35, line 59); and

receiving, from a control interface, a selection of an option displayed on the of the series of menus (column 34, lines 20-28), wherein the selection effects a memory location from which graphical information is retrieved for display on the television (column 34, lines 20-37),

displaying one video in the electronic program guide (column 17, lines 1-22), he fails to specifically disclose wherein the video channel includes a split screen with multiple video clips positioned in different portions of the split screen.

In an analogous art, Kassatly discloses a video distribution system wherein a plurality of digitally compressed video programs (or clips) are transmitted on a single channel (Fig. 1; column 2, lines 30-45 and column 3, line 54-column 4, line 30) for the typical benefit of providing a larger number of channels in a limited bandwidth television system (column 3, line 65-column 4, line 8).

Additionally, in an analogous art, Saeger discloses a television system wherein a plurality of video signals are displayed utilizing a split screen technique (see Figs. 1f-1i, column 5, line 29-column 6, line 35) for the typical benefit of allowing a viewer to easily browse and view a plurality of programs simultaneously on the same screen (see Figs. 1f-1i, column 5, line 29-column 6, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the video comprises a plurality of video clips are transmitted simultaneously on a single channel, as taught by Kassatly, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein and Kassatly's system to include split screen video techniques, as taught by Saeger, for the typical benefit of allowing a

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viewer to easily browse and view a plurality of programs simultaneously on the same screen.

As to claims 25 and 37, Goldstein, Kassatly and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes repositioning the one video clip from one of the different portions of the split screen to a position in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

As to claims 26 and 38, Goldstein, Kassatly and Saeger disclose wherein the displaying of the one video clip in the electronic program guide includes scaling a size of the one video clip in the electronic program guide (see Saeger at Fig. 1(a)-1(i) and column 11, line 40-column 2).

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claim 24 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 4 of U.S. Patent No. 6,515,680.

In claim 24, lines 1-3, correspond to claim 1, lines 1-8 and claims 10 and 15 of patent 7,373,645,

lines 3-5, correspond to claims 1, lines 1-10 of patent 6,515,680,

lines 6-11, correspond to claim 1, 3 and 4 of patent 6,515,680,

line 12, correspond to claim 1, lines 10-18 of patent 6,515,680,

lines 13-15, correspond to claim 1, 3 and 4 of patent 6,515,680.

8. Claims 1, 8, 22 and 24-40 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 7,373,645. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1-3 of patent 7,373,645 corresponds to all of the claim limitations of claims 1, 8, 22 and 24-40 of the current application.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Justice (3,953,666) discloses a system for transmitting a plurality of videos together in a split screen video channel, displaying the split screen videos on the display and repositioning/resizing of one of the videos.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/
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